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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER

ROCHE, TRENTON J

ART UNIT	PAPER NUMBER
2124	5

DATE MAILED: 02/06/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application N .

09/767,768

Applicant(s)

HANSON, DAVID R.

Examiner

Trent J Roche

Art Unit

2124

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 23 January 2001.  
2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.  
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-18 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.  
6) ☒ Claim(s) 1-18 is/are rejected.  
7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.  
8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.  
10) ☒ The drawing(s) filed on 23 January 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892) ✓  
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)  
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) ✓  
Paper No(s)/Mail Date 4.

- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.  
5) ☐ Notice of Informal Patent Application (PTO-152)  
6) ☐ Other: \_\_\_\_\_.

### DETAILED ACTION

1. Claims 1-18 have been examined.

#### *Specification*

2. The disclosure is objected to because it contains an embedded hyperlink and/or other form of browser-executable code. Applicant is required to delete the embedded hyperlink and/or other form of browser-executable code. See MPEP § 608.01.

#### *Claim Objections*

3. Claim 18 is objected to because of the following informalities: On line 4, "the computer computer-readable storage" appears to contain a typo. Appropriate correction is required. For purposes of examination this will be interpreted to read "the computer-readable storage."

#### *Claim Rejections - 35 USC § 112*

4. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

5. Claims 7, 8, 16 and 17 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention.

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The disclosure on a whole relates to the process of compiling source code using remotely defined source code library files. While the disclosure is sufficient to teach how one of ordinary skill in the art would implement a compiler to perform the steps relating to remote source code inclusion, there is insufficient support in the disclosure for implementing the word processor as stated in claims 7 and 16, or for implementing financial tracking software as stated in claims 8 and 17. The claimed steps and disclosure descriptions directed to such embodiments would not be well known to one of ordinary skill in the art at the time the invention was made, and as such, a variation from the disclosed compiler embodiment would require one of ordinary skill in the art undue experimentation to achieve a desired result similar to what is stated in the disclosure. Further, note MPEP 2164.01.

6. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

7. Claims 2, 16 and 17 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

8. Claim 2 recites the limitation "the source code" in line 2. There is insufficient antecedent basis for this limitation in the claim. For purposes of examination, this claim will be interpreted to read "The computer-based method of claim 1 wherein the source code file comprises 'C' source code."

9. Claim 16 recites an application software component being a word processing component. However, claim 16 is dependent on claim 15, wherein it is stated that the application software

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component is a compiler component. It is unclear as to what the applicant intends as the application software component.

10. Claim 17 recites an application software component being a financial tracking component. However, claim 17 is dependent on claim 16, wherein it is stated that the application software component is a word processing component, which is further dependent on claim 15, wherein it is stated that the application software component is a compiler component. It is unclear as to what the applicant intends as the application software component.

A improper numbering of claim dependencies appears to be the issue concerning the 112 2<sup>nd</sup> rejection of claims 16 and 17, and it is suggested that the applicant re-number the related dependencies to overcome this rejection.

### *Claim Rejections - 35 USC § 102*

11. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

12. Claims 1-6, 9-12 and 18 are rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent 6,279,151 to Breslau et al.

**Regarding claim 1:**

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Breslau et al teach:

- a computer-based method for compiling a source code file on a client computer (“a computer language compiler for translating a computer source program into an executable...” in col. 2 lines 45-47)
- the source code file being stored on a remote server computer and being accessible via web protocols (“a World Wide Web (WWW) uniform resource locator (URL) of a non-connected system that contains the libraries, source code, etc...” in col. 3 lines 2-4)
- accepting a manually specified compile command, the compile command including a set of parameters, the set of parameters including an identifier corresponding to the source code (Note Fig. 4A, items 400 and 401 and the corresponding sections of the disclosure)
- executing a compile procedure correspond to the compile command, the compile procedure effecting conversion of the source code file into a file executable on the client computer (Note Fig. 4A – 4D and the corresponding sections of the disclosure. The compile procedure is described.)
- wherein step of executing the compile procedure including downloading the source code file from the remote server computer to the client computer using web protocols (Note Fig. 4B and the corresponding section of the disclosure)
- without executing a manually specified download command (Note Fig. 4B, items 414 and 415 and the corresponding section of the disclosure)

as claimed.

**Regarding claim 2:**

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The rejection of claim 1 is incorporated, and further, Breslau et al disclose “C” source code as claimed (“a source language such as C++” in col. 1 line 23. The C language specification is comprised in C++.)

**Regarding claim 3:**

The rejection of claim 1 is incorporated, and further, Breslau et al disclose an identifier being a URL as claimed (“a World Wide Web (WWW) uniform resource locator (URL) of a non-connected system that contains the libraries, source code, etc...” in col. 3 lines 2-4)

**Regarding claim 4:**

Breslau et al teach:

- a computer-based method for executing an application on a client computer, the application functioning to process file data stored on a remote server computer, the file data stored on a remote server computer being accessible via web protocols (“a computer language compiler for translating a computer source program into an executable object program and contemplates a method and apparatus for operating the compiler to process include statements...” in col. 2 lines 45-49. Further, “a World Wide Web (WWW) uniform resource locator (URL) of a non-connected system that contains the libraries, source code, etc...” in col. 3 lines 2-4)
- accepting a manually specified execute command, the execute command including a set of parameters, the set of parameters including an identifier corresponding to the file data (Note Fig. 4A, items 400 and 401 and the corresponding sections of the disclosure)

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- executing a procedure corresponding to the execute command, the procedure manipulating the file data on the client computer (“a computer language compiler for translating a computer source program into an executable object program and contemplates a method and apparatus for operating the compiler to process include statements...” in col. 2 lines 45-49)
- without executing a manually specified download command (Note Fig. 4B, items 414 and 415 and the corresponding section of the disclosure)

as claimed.

**Regarding claim 5:**

The rejection of claim 4 is incorporated, and further, note the rejection regarding claim 3.

**Regarding claim 6:**

The rejection of claim 4 is incorporated, and further, Breslau et al teach a compiler as claimed (“a computer language compiler...” in col. 2 lines 45-46)

**Regarding claim 9:**

Breslau et al teach:

- a computer system including a processor, memory associated with the processor, and a storage medium capable of storing a data file (Note Fig. 1 and the corresponding section of the disclosure)
- the data file having a corresponding file identifier (Note Fig. 1, item 104 and the corresponding section of the disclosure)



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- an application software component comprised of instructions in the memory and executable by the processor, the application software component functioning to process the data file (Note Fig. 3 and the corresponding section of the disclosure)
- an I/O software component comprised of instructions in the memory and executable by the processor, the I/O software component functioning to accept the file identifier, to determine whether the file identifier is a URL and, if so, to retrieve the data file from a remote server using the file identifier and, if not, to retrieve the data file from the storage medium using the file identifier (Note Figures 3 and 4A and the corresponding sections of the disclosure)

as claimed.

**Regarding claim 10:**

The rejection of claim 9 is incorporated, and further, Breslau et al disclose source code corresponding to the I/O software component as claimed (Note Fig. 3, item 104 and the corresponding section of the disclosure)

**Regarding claim 11:**

The rejection of claim 9 is incorporated, and further, Breslau et al disclose an Operating System I/O API as claimed (“to store the source libraries distributed with compilers and product application program interfaces (APIs)” in col. 2, lines 7-9)

**Regarding claim 12:**

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The rejection of claim 11 is incorporated, and further, Breslau et al disclose a Windows operating system as claimed ("In an OS/2®, Window®, or DOS environment..." in col. 1 lines 60-61)

**Regarding claim 18:**

Breslau et al teach:

- a computer-readable storage medium used in a computer system having a processor, memory associated with the processor and a storage device having a data storage medium, the computer-readable storage medium having instructions capable of being executed by the processor (Note Fig. 1 and the corresponding section of the disclosure)
- accepting a file identifier corresponding to a data file (Note Fig. 4A, items 400 and 401 and the corresponding sections of the disclosure)
- determining whether the file identifier is a URL and, if so, retrieving the data file from a remote server using the file identifier and, if not, retrieving the data file from the data storage medium using the file identifier (Note Fig. 4A and the corresponding sections of the disclosure)

as claimed.

***Claim Rejections - 35 USC § 103***

13. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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14. Claims 13-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent 6,279,151 to Breslau et al.

**Regarding claim 13:**

The rejection of claim 12 is incorporated, and further, Breslau et al disclose a Windows environment (“In an OS/2®, Window®, or DOS environment...” in col. 1 lines 60-61). However, Breslau et al do not explicitly disclose a Windows 2000 operating system as claimed. Official Notice is taken that at the time the invention was made, Windows 2000 was a common operating system well known to one of ordinary skill in the art. As such, one of ordinary skill in the art at the time the invention was made would choose to utilize Windows 2000 as the operating environment for the system disclosed by Breslau et al for the purposes of utilizing the invention disclosed by Breslau et al on the more recent operating system environment available at the time.

**Regarding claim 14:**

The rejection of claim 13 is incorporated, and further, Breslau et al disclose a hard disk drive as claimed (“the include files must reside on either a local drive...” in col. 1 lines 55-56)

**Regarding claim 15:**

The rejection of claim 14 is incorporated, and further, note the rejection regarding claim 6.

***Conclusion***

15. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

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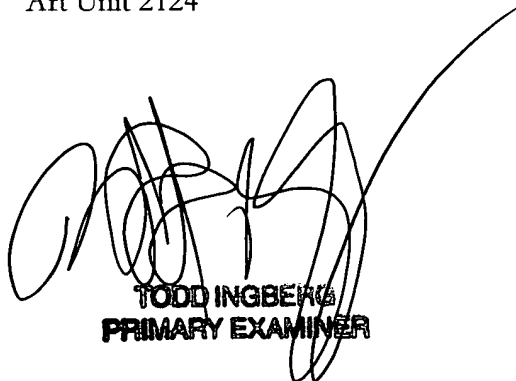
16. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Trent J Roche whose telephone number is (703)305-4627. The examiner can normally be reached on Monday - Friday, 9:00 am - 6:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kakali Chaki can be reached on (703)305-9662. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Trent J Roche  
Examiner  
Art Unit 2124

TJR



**TODD INGERS**  
**PRIMARY EXAMINER**